

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:93-CR-4-BO

UNITED STATES OF AMERICA

v.

JOSEPH M. POWELL

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ORDER

This cause comes before the Court on defendant's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). A hearing was held on the matter before the undersigned on September 25, 2013. On September 27, 2013, the government filed a written response to the instant motion. Defendant has elected to proceed with this matter *pro se*.

Defendant's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) [DE 41] is GRANTED. Defendant's previously imposed sentence of 293 months' imprisonment on count one is hereby REDUCED to 210 months' imprisonment; defendant's sentence of sixty months consecutive on count two and 120 months concurrent on count three remain unchanged. All other provisions of the judgment dated July 7, 2010, shall remain in full force and effect.

Defendant's amended guideline range on count one has been determined to be 151 - 188 months' imprisonment based on an amended offense level of thirty and a criminal history category of V. In imposing a sentence that is greater than the amended guideline range, the Court has considered the nature and seriousness of the danger to the public that could result by further reduction of defendant's sentence as defendant has sustained thirty-four disciplinary infractions while incarcerated, several of which were violent nature. U.S.S.G. § 1B1.10 cmt. 1(B)(ii). The Court has further reflected on the factors set forth in 18 U.S.C. § 3553(a) in determining that a

sentence greater than 188 months' imprisonment is warranted, specifically the nature and circumstances of the offense as demonstrated at the trial over which the undersigned presided, as well as the need for the sentence imposed to provide just punishment and afford adequate deterrence to criminal conduct.

SO ORDERED, this 11 day of October, 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE